IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 6091 of 2006

AGAINST THE ORDER IN BA.5564/2006 Dated 25/09/2006
CMP.2667/2006 of J.M.F.C.,PARAPPANANGADI
CRIME NO. 275/2006 OF PARAPPANANGADI POLICE STATION

.....

APPLICANT/ACCUSED 2

M.BALAMURALIKRISHNAN,
S/O.K.KRISHNAN NAIR, KAMAYIL HOUSE,
NADUVA AMSOM, PARAPPANANGADI.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE C.I. OF
PARAPPANANGADI POLICE STATION.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6091/2006

DATED THIS THE 12TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is the second accused, in crime No.275/2006 of Parappanangadi Police Station, for the offence punishable under Sections 143, 147, 148, 326 and 307 IPC read with Section 149 IPC. It is alleged that because of the inter se rivalry between VHP and RSS persons, there was an attack on the defacto complainant by the accused, causing him fractures on the frontal bone as well as on left ankle joint. The petitioner had approached this Court for a pre-arrest order. Rejecting the same, he was directed to surrender before the Investigating Officer. Accordingly he surrendered, and is in judicial custody from 3.10.2006.

2. The arguments during the hearing of the application, under Section 438 Cr.P.C, as well as in this application, is that the petitioner was teaching Hindi language in M.V.Higher Secondary School, Ariyallur, on

the date of occurrence, between 9.15 a.m and 10.15 a.m. I had asked the Investigating Officer to verify the fact, certified by the principal. But the principal was on leave and therefore, the fact could not be ascertained. Now the counsel submits that if the petitioner is continuously detained, it would cause unbearable hardships and damage to him, as he is not involved in the case.

3. I am not entering into any discussion, on the merit of the matter. It is for the prosecution, during the trial, to establish the case against the accused. The learned Public Prosecutor submits that the tension in the locality and particularly between the two groups in the area is still continuing. Hence submit that imposition of conditions are necessary, if the bail is to be granted.

4. In the light of the above discussions, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the

satisfaction of the Judicial Magistrate of First Class-I, Parappanangadi.

(b). Immediately on release, The petitioner shall report before the Investigating Officer of Parappanangadi police station, and from there, he shall go out of the Sessions Division of Manjeri.

(c). The petitioner shall not enter the Sessions Division of Manjeri, for a period of three months.

(d). The petitioner shall report to the Investigating Officer of Parappanangadi police station, who is investigating crime No.275/2006, the place of his residence as well as the police station limit, within which he would reside, during the above period of three months.

(e). On completion of three months as stated above, he may reside in his residence and in such occasion, he shall report before the Investigating Officer, on the first working day of every month,

between 10.00 a.m and 11.00 a.m., till the final trial and disposal of the Sessions Case, by the trial Court.

(f). The petitioner shall not leave the State of Kerala, till the completion of the trial and disposal of the case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs